



Ohio Administrative Code Rule 4901-1-22 Requests for admission.

Effective: [May 7, 2007](#)

(A) Any party may serve upon any other party a written request for the admission, for purposes of the pending proceeding only, of the truth of any specific matter within the scope of discovery set forth in rule 4901-1-16 of the Administrative Code, including the genuineness of any documents described in the request. Copies of any such documents shall be served with the request unless they are or have been otherwise furnished for inspection or copying.

(B) Each matter of which an admission is requested shall be separately set forth. The party to whom a request for admission has been directed shall quote each request for admission immediately preceding the corresponding answer or objection. The matter is admitted unless, within twenty days after the service of the request, or within such shorter or longer time as the commission, the legal director, the deputy legal director, or an attorney examiner may allow, the party to whom the request is directed serves upon the party requesting the admission a written answer or objection, signed by the party or by his or her attorney. If an objection is made, the reasons therefor shall be stated. The answer shall specifically deny the matter or set forth in detail the reasons why the answering party cannot truthfully make an admission or denial. A denial shall fairly meet the substance of the requested admission, and when good faith requires that a party qualify his or her answer or deny only part of the matter of which an admission is requested, the party shall specify that portion which is true and qualify or deny the remainder. An answering party may not give lack of information as a reason for failure to admit or deny a matter unless the party states that he or she has made reasonable inquiry and that information known or readily obtainable is insufficient to enable him or her to make an admission or denial. A party who considers the truth of a matter of which an admission has been requested to be a genuine issue for the hearing may not, on that basis alone, object to the request, but may deny the matter or set forth the reasons why an admission or denial cannot be made.

(C) Any party who has requested an admission may move for an order under rule 4901-1-23 of the Administrative Code with respect to any answer or objection. Unless it appears that an objection is justified, the commission, the legal director, the deputy legal director, or the attorney examiner shall order that answer be served. If an answer fails to comply with the requirements of this rule, the



commission, the legal director, the deputy legal director, or the attorney examiner may:

(1) Order that the matter be admitted for purposes of the pending proceeding.

(2) Order that an amended answer be served.

(3) Determine that final disposition of the matter should be deferred until a prehearing conference or some other designated time prior to the commencement of the hearing.

(D) Unless otherwise ordered by the commission, the legal director, the deputy legal director, or the attorney examiner, any matter admitted under this rule is conclusively established against the party making the admission, but such admission may be rebutted by evidence offered by any other party. An admission under this rule is an admission for purposes of the pending proceeding only and may not be used for any other purpose.

(E) If any party refuses to admit the truth of a matter which is subsequently proved at the hearing, and the commission determines that the party's refusal to admit the truth of the matter was not justified, the commission may impose a portion of the costs of the proceeding upon such party, in accordance with the second division of section 4903.24 of the Revised Code.